

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS
Deutschland AG, as successor in interest to Dresdner
Bank Lateinamerika AG, and LGT BANK
(SWITZERLAND) LTD. as successor in interest to
Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Pro. No. 12-01577 (CGM)

**STIPULATION AND ORDER EXTENDING LGT BANK (SWITZERLAND) LTD.'S
TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the "Trustee"), and Defendant LGT Bank (Switzerland) Ltd. as successor in interest to Dresdner Bank (Schweiz) AG ("LGT Switzerland"), through their

respective undersigned counsel.

RECITALS

A. On September 15, 2022, LGT Switzerland filed its *Motion to Dismiss the Trustee's Amended Complaint* in this Adversary Proceeding, No. 12-01577 (CGM) [ECF Nos. 109–13].

B. On February 28, 2023, following briefing by the parties, this Court issued its *Memorandum Decision Denying LGT Switzerland's Motion to Dismiss* [ECF No. 139].

C. On March 14, 2023, based on the Memorandum Decision, this Court entered its Order Denying LGT Bank (Switzerland) Ltd.'s Motion to Dismiss the Amended Complaint Under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) [ECF No. 145] (the "March 14, 2023 Order").

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the March 14, 2023 Order is fourteen days after the entry of the order, *i.e.*, March 28, 2023.

E. LGT Switzerland seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what ground, and, if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by March 28, 2023. Bankruptcy Rule 8002(d)(3) permits such an extension to twenty-one days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to April 18, 2023.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to LGT Switzerland's request to extend its time to appeal to April 18, 2023.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by LGT Switzerland for an extension of time for filing (a) a notice of appeal of the March 14, 2023 Order, and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “Required Filings”), through and including April 18, 2023 (the “Extended Filing Deadline”).

2. The Trustee consents to LGT Switzerland’s motion, and the Court hereby grants the motion pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if LGT Switzerland wishes to appeal the March 14, 2023 Order, it shall make the Required Filings by the Extended Filing Deadline.

[Signature Page Follows]

Dated: New York, New York
March 16, 2023

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*Attorneys for Defendant LGT Bank (Switzerland)
Ltd.*

SO ORDERED:

**Dated: March 17, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**